

Local Government Committee Testimony HB 4212 and 4215

Thank you Chairman Chatfield and Committee members for the opportunity to discuss the importance of these bills. Thank you also to Representative Victory, and the co-sponsors for offering these bills.

The bills you are considering are not, as some may suggest, intended to encourage a take-over of our road commissions. Instead...., they do allow county commissions the opportunity to encourage cost saving measures, the effective use of road funds and assure accountability to the voters; especially in counties like Ottawa where our Road Commissioners are appointed.

Michigan's Road Commissions were created in 1909 but the Legislature had not revisited the relationship between County's and their Road commissions until the 2012 bills were passed.... but thanks to the sunset that was added, Michigan Counties are now back at the in 1909.

Road Commissions under Michigan law have a tremendous amount of power, but very little accountability to our voters. A 1957 Attorney general's opinion states that once a Road commission is appointed or elected, Counties have very little authority over them. Current statutes provide that a Road Commissioner can be removed only due to malfeasance.

Currently, 46 of the Counties in Michigan appoint their road commissions and 32 counties have elected road commissioners. Road Commissioners serve 6 year terms while County Commissioners are constitutionally limited to two year terms. Even with the power of appointment and the ballot box, it can take over 4 years to alter the makeup of a Road commission that might fail to serve the best interest of our citizens.

Most of our Ottawa County residents believe that as elected County commissioners we have authority over our Thirty Million dollar road budget and our road operations. They are surprised to learn the truth...., we do not!

Thanks to HB 5125 -26, Ottawa County had a window of opportunity to initiate a task force to study our county road operations. We learned that our road commission had substantial

unfunded legacy cost liabilities that were not being addressed. Also, when our road commission requested our help in placing a road millage question on the ballot last year, we learned that they had recently spent approximately 2 million dollars on land purchases, planning to build new garage facilities even though our county roads required immediate repair.

Because of the 2012 legislation we were able to negotiate a memorandum of understanding where our road commission would commit to take steps to deal with these liabilities as well as certain other issues.

The unfunded liabilities will require many years of continued effort and better management to resolve; and we have only a verbal commitment that no new garage facilities will be built with the new millage funds. Since the sunset of the 2012 bill package we are once again powerless to enforce our memorandum of understanding, or to initiate other changes. Because of the sunset..., Local Governments in Michigan have lost any leverage or authority needed to assure our residents that Michigan's county road operations will remain financially sound and continue to serve the best interests of our citizens.

Representative Victory's bills will allow Local Government to maintain some level of oversight, while at the same time allowing all of our effective road commissions to continue to serve their purpose.

Without the passage of these bills, any county with elected or appointed road commissions that experiences a road commission problem will continue to remain relatively powerless to act without needing the Legislature to again have the conversation we are having here today. The time required to do so would prevent prompt action needed by a county and result in preventable damages. It would also be burdensome to the State to revisit this issue repeatedly.

We are all aware of the challenges with Michigan's roads. More accountability and transparency is being demanded by the citizens who have to pay the bill. The passage of these bills will allow county boards some oversight over road commissions..., and if ever needed, the opportunity to bring road management into County general government..

As you know, the two year sunset was added by the Senate to the 2012 bills. During those two years, only three of our counties merged their Road Commissions. I believe that shows you the respect we have for our road commissions who continue to function well. We did not then, and will not now rush to consolidate our Road Commissions. We all hope that additional mergers will not be needed. But as has been shown by the three mergers that did occur, this legislation could again be critical to our residents, to our counties and to our roads ..., whether in one year, five years, or ten years from now.

We would urge you and your colleges to pass these bills, and to pass them without a sunset.

Thank you again for your time and consideration. I would be happy to try to answer any questions.

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